

*Sir Gilbert Gerard's CASE, upon his
Petition against Sir William Brownlow,
Sitting Member for the Borough of Bi-
shop's-Castle.*

THE Right of Election for the Borough of *Bishop's-Castle* is in the Inhabiting Burgeses, not confin'd to Scot and Lot Men.

Sir Gilbert Gerard had of Burgeses Inhabitant 39 good Votes, upon the Poll taken by the Deputy Town-Clerk, who is the proper Officer to take it, according to the Ancient Usage and Custom of that Borough, with which agreed the Poll by other sworn Clerks then in Court, appointed indifferently to take it for the several Candidates: And *Sir William Brownlow* had but 27, including the then Bayliff *Walter Woollaston's* own Vote; one *William James's*, *Samuel James's*, and *Thomas Walters's*; which 3 last were not duly qualify'd according to the Constitution, as Inhabiting Burgeses; neither did *William James's* Father, Grandfather, or any of his Ancestors, as was proved beyond exception, by Persons of good credit, ever give a Vote for Burgeses for that Town; nor was his Name upon the Burgeses Book the Morning of the Election; but the Deputy Town-Clerk by the Bayliff's Order entred him upon it the next day.

The Bayliff *Woollaston* openly and partially espousing the Interest of *Sir William Brownlow*, did take a private Poll to himself; and finding that *Charles Mason Esq;* had a Majority for him, by a considerable number, and that *Sir Gilbert Gerard* had poll'd 36, and had others duly qualified then in Court, who demanded to be poll'd for him; and that *Sir William Brownlow* had but 35, being one still behind *Sir Gilbert*, (notwithstanding all the Artifices used by the Bayliff, by taking upon himself to call upon persons to vote out of their proper time) he called out to the said *William James*, whom the Morning before the Election he had himself in Court declared to have no Vote, and then absolutely rejected him; but now to serve a turn, finding that *Sir Gilbert* had the Majority, notwithstanding all the opposition made to it, took *William James's* Poll, and immediately upon it gave his own Vote to *Sir William*; and without making due Proclamation, as is required in such cases, or casting up, or calling over the Poll taken by the Deputy Town-Clerk, and the other Clerks appointed, closed up the Poll, and declared Mr. *Mason*, and *Sir William Brownlow* duly elected; and absolutely refused to take the Votes of *Richard Bright*, *John Stocken*, and *Samuel Sais*, who then in Court, not only demanded their Poll to be taken, but actually gave their Votes for *Sir Gilbert Gerard*, and are proved rightly qualified so to do.

Notwithstanding these Partial and Indirect Proceedings of the Bayliff *Woollaston*, *Sir Gilbert* had the Majority upon the Poll, taking it any way: for admitting *Bright*, *Stocken* and *Sais* should be disallowed, by the same and much stronger Reasons the two *James's*, and *Walters* must be disallowed to *Sir William*; and consequently *Sir Gilbert* had the Majority still by two: But in truth the three that voted for *Sir William*, had no right at all to vote, but the other three had good right; so that *Sir Gilbert* had of duly qualified Votes, the Majority by 5.

All which was proved by the present Bayliff, and other persons of good Substance, and undoubted Reputation.

Besides which, Bribery was plainly proved upon *Sir William Brownlow's* Agents, the Lady *Mason*, the Bayliff *Woollaston*, and Mr. *Jeremy Brown* Attorney at Law, and Steward of Mrs. *Anne Mason's* Courts there.

1st. As to the Lady *Mason*, it was proved, that she declared to several persons, that 200 *l.* was to be distributed among such of the Burgesses as would vote for her Son in Law Sir *William*, besides other great Offers and Promises from her self, to them upon the same account.

2^{dly}. That she gave to one *David Hoggins* 5 *l.* 35 *s.* with her own hands; and by her Orders Mr. *Jeremy Brown* paid 3 *l.* 5 *s.* more; with a Promise of another 5 *l.* conditionally, that he would give his Vote for Sir *William Brownlow*.

3^{dly}. 'Twas proved and confirmed, even by the confession of one of their own Witnesses, Mr. *Jeffries*, (Steward either to her, or her Daughter, Mrs. *Mason*) that most of the 200 *l.* was Money receiv'd of Tenants there, and deposited in a Gentleman's Hand that was nominated one of the Trustees for that purpose.

4^{thly}. The same was again further confirmed by the acknowledgment of one of their own Witnesses Mr. *Samuel Woollaston*, Brother to the Bayliff *Walter Woollaston*.

The Bayliff was proved very industrious and active for Sir *William Brownlow*: particularly,

1st. The Morning of the Election, not being content with one denial, he several times attempted *David Hoggins*, telling him all would turn upon his Vote, and promised him 10 *l.* if he would give it to Sir *William*; but seeing this did not prevail, took him to his own House, and shewed him a parcel of Money, bidding him take out of it 10 *l.* and go to his Shop and chuse what he liked best, to make him a new Suit of Cloathes, with a further promise of perpetual Friendship to him and his.

2^{dly}. In pursuance of these Practices, and Irregular Proceedings, at the Election he made his return accordingly, of Sir *William Brownlow*.

As to *Jeremy Brown*, the chief Agent, 'Twas proved, 1st. That by his hand most of this 200 *l.* was distributed and paid to the Burgesses that voted for Sir *William Brownlow*; which at first, at 5 *l.* a Man, as was computed, would secure 40 Votes; but that number falling short, the Quota of each came to 5 *l.* 8 *s.* 1 *d.* $\frac{1}{2}$ of which 'twas proved some of them said, they would not bate the odd 1 *d.* $\frac{1}{2}$.

2^{dly}. To such as he found were not to be wrought upon by perswasion, he used Menaces and Threats, to the terror of many; and being an Attorney at Law, has actually sued several that voted for Sir *Gilbert*, and that denied their Votes for Sir *William*, to their almost utter ruin. And because of the Proofs upon him, the Committee unanimously refused to admit him for a Witness.

3^{dly}. To blind the matter, and to secure them as Witnesses, upon occasion, and Voters at another Election; he made them give Notes to pay back the Money receiv'd upon demand; and having paid to one *Nathaniel Farmer* 4 *s.* above his Quota, sued him for the 5 *s.* which *Farmer* proved he had tendered, but *Brown* was wiser than to sue for the rest.

Farmer not only owned his having receiv'd his Quota of the 200 *l.* but proved it upon these in particular,

<i>William Corick.</i>	<i>Edward Minton.</i>
<i>Walter Corick.</i>	<i>Robert Woollaston,</i>
<i>Esaú Hoggins</i>	And
<i>Fran. Colebach.</i>	<i>Barnaby Bowen.</i>

And

And *Robert Minton* proved that he called upon the Gentleman in whose hands the 200 *l.* was proved to have been first lodged, and receiv'd from him so much for his Father *Geo. Minton*, as with what his Father had before receiv'd, made up the Sum 5 *l.* and gave an Acquittance accordingly for the same.

So that *George Minton*, and *Nathaniel Farmer*, being added to the 7 beforementioned, make in all 9 expressly proved Bribed; (besides the proof that the 200 *l.* was distributed to all the rest of Sir *William's* Voters:) and consequently these hired Votes being, as they ought, taken from Sir *William*, Sir *Gilbert Gerard* had a Majority of 14; and in truth Sir *William* had not one good unbribed Vote.

The force of truth was so great, that not one of these very Men but did by his own Confession, acknowledge it; so that the matter of fact of the Bribery, did fully and undeniably appear beyond contradiction.

On Sir *William's* side, they endeavour'd to offer something to make good their own Votes, and to disable the 3 refused for Sir *Gilbert*, as well as some others, on pretence of Alms, and one for not being *Compos*; but how credibly or justly, will appear from the following particulars.

First, 'tis not so much as pretended by them, that any one Man that Voted for Sir *Gilbert*, had or received one single Six-pence for his Vote: Only 3 of the most profligate Wretches among Sir *Williams* Voters, *Edward Minton*, Shoemaker, *Robert Woollaston*, Soldier, and *Esau Hoggins*, pretended that great offers were made them to Vote for Sir *Gilbert*, no less then 30 or 40 *l.* a Man; and *Esau Hoggins* made a ridiculous story, of what he might have taken out of a great Bason full of Gold and Silver; But these Men would represent themselves to be of such solid vertue and principles, as not to be tempted with these mighty offers; and yet at the same time 'twas proved that each of them took 5 *l.* to give his Vote for Sir *William Brownlow*: Which story, besides that, nothing from such Witnesses can have any Credit, carries with it marks of its own Folly, and Falshood.

But in answer to all this stuff, 'twas fully proved by several, particularly by Mr. *Willson*, a person of Credit, living in the Corporation, and every way disinterested; having no Vote, that *Minton* and *Woollaston* did come and proffer their Votes for 10 *l.* a Man, for Sir *Gilbert*; who rejected their offers with indignation.

And Mr. *Pugh* junior, Son to the present Bayliff, proved that *Minton* was a Thief, having Stole a parcel of Leather from him.

As to the Evidence of *Esau Hoggins*, another of the Brib'd Voters; after the words had been put into his Mouth, by Sir *William's* Council, about the absurd story of a great Bason, full of Gold and Silver, pretended to be offered by the Earl of *Maclesfeld*, Recorder of that Town; 'twas fully proved by his Gentleman, who had the Charge of the Money for his Journey, that his Lord to his knowledge at that time had no Silver about him, and but 2 Guineas in Gold. Besides, a Gentleman that was present when *Hoggins* came to the Earl, proved that there was no such thing as a Bason, or any Gold or Silver, either offered, or taken by *Hoggins*.

Neither can it be supposed, that Sir *Gilbert Gerard*, or Mr. *Mason*, who had the entire Interest of the Town, should promise to maintain a Man, his Wife and 6 Children, as one of the *Colericks* pretended; or if such an offer was made, that so mercenary a Fellow would have refused it, and yet at the same time gave his Vote for 5 *l.* on the other side.

Upon the whole matter, these Wretches have only pretended to prove some great offers made to them, but nothing accepted by them, or given by Sir *Gilbert Gerard*, or any other for him, either to them that Voted for him, or to these Men themselves.

As to what *Francis Colebach* and some others pretended, to justify their own 3 Votes, and to disable the 3 refused by *Woollaston* for Sir *Gilbert*, the qualifications of these persons, as to their sufficiency, or insufficiency to Vote, were proved by persons of undoubted Credit, and Reputation; whereas the said *Francis Colebach* is a Man of ill Fame generally in his Neighbourhood, and now under an Information of Perjury, by 5 Indictments against him: But taking the Poll any way,

way, Sir *Gilbert Gerard* has the rightful Majority, without striking off the Voters on Sir *William's* side, particularly disqualified for Bribery ; and the general proof reaching them all.

As to what was objected, of Mr. *Henry Wollaston's* not being *Compos*, 'twas proved by persons of undoubted Credit and Reputation, and not denied by their own Witnesses, that at several times both, before, at and after the Election, particularly the *Sunday* before the Election, which was on the *Tuesday*, he Read and Performed the Church Service with great decency, and Preach'd well several times since ; Nor is it to be supposed that the Minister of the Parish would desire him to Officiate in his stead, if he had not been well satisfied of his Sufficiency and Understanding.

As to what seemed to be objected, about his not having taken the Oaths to the Government, he answered, he thought he had qualified himself by his Burgeſs Oath, wherein he swore fealty to the King ; and as 'twas proved, declared his readiness then, to take any other Oath if tendred him.

The said *Francis Colebatch* would likewise pretend to disable 7 of Sir *Gilbert's* Voters, who were proved to pay Scot and Lot, because the Wives of 6, and the Daughter of one, Receiv'd part of a Benevolence, or Present, given to the Town. But,

1. What was the nature of the Benevolence or Present, did not fully appear.
2. The act of the Wives without the Order or the Privy of the Husbands, could not deprive them of their Rights, much less the act of the Daughter.
3. They whose Wives are pretended to be proved by such Witnesses as these, to have Received part of a small Benevolence, or Present, to the Town, are not so many as are expressly proved to have Received Bribes on the other side ; and surely a Bribe for a Vote must more manifestly disqualify, than a Benevolence or Present, given by a Stranger, without any relation to the Election : Nor could this Present make them who Received it Alms-men, they being such as Paid to Church and Poor. Besides 'twas proved that *Brian Crowther*, and several others, to the number of about 10 of Sir *William Brownlow's* Voters, did use to Receive of the same.

'Tis further observable, that according to the constitution of that Borough, Servants Residing with their Masters in Town, and entred upon the Burgeſs-Book, are qualified to Vote at an Election, they not being tied up to Scot and Lot men.

The Witnesses produced on Sir *Gilbert Gerard's* side, were Men of undoubted Credit and Reputation ; among which were Mr. *Pugh* the present Bayliff, and Mr. *Morris*, who had each been 4 times Bayliffs of the Corporation ; And on the other side, there were none but mercenary Fellows, and upon whom the Bribery was proved, nor could they be admitted for Legal Witnesses in any Court, because of the Notes under their hands to Pay Sir *William's* Agent *Brown* 5 l. a-piece upon Demand.